01807.000906 (1807.0906) PATENT APPLICATION

#7 4/8/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	:	Examiner: K. Tran
Françoic THOUMY, et al.	)	
	:	Group Art Unit: 2631
Application No.: 09/450,716	)	
	:	
Filed: November 30, 1999	)	
	:	
For: DEVICE AND METHOD FOR THE DYNAMIC ALLOCATION OF FREQUENCIES FOR MULTICARRIER MODULATION SYSTEMS	)	April 4, 2003

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Applicant respectfully traverses the restriction requirement set forth in the Office Action dated March 4, 2003.

In the Office Action, the Examiner sets forth a restriction requirement between two groups of claims. Group I, Claims 1, 4-25, 27-29, 41-63, 74-90, and 98-103, is drawn to a method of transmitting data using a modulation of the multicarrier type, classified in class 375, subclass 295. Group II, Claims 11-16 and 26, is drawn to a method of receiving data using a modulation of a multicarrier type, classified in class 375, subclass 316. Applicants note that the Office Action does not address Claim 104. However,

Applicants submit that Claim 104, because it depends from Claim 99 in Group I, should also have been included in Group I.

The Examiner contends that the inventions of Groups I and II are unrelated because they are not disclosed as usable together and have different modes of operation, and have acquired a separate status in the art as shown by their different classification such that the searches are not coextensive, requiring separate examination. These contentions are respectfully traversed.

Applicants note that the inventions of Groups I and II are so closely related in the field of multicarrier modulation systems, that a proper search of any of the claims would, of necessity, require a search of the others. In fact, Applicants note that each of Claims 11-16 noted in Group II is also in Group I (i.e., Claims 11-16 are included in Claims 4-21, which the Office Action in Group I). Further all of Claims 11-16 either depend from or refer back to various other claims in Group I. Applicants submit, therefore, that the two groupings overlap. Thus, it is submitted that all of the claims can be searched simultaneously, and that a duplicative search, with possibly inconsistent results, may occur if the restriction requirement is maintained.

Applicants further submit that any nominal burden placed upon the Examiner to search an additional subclass or two, necessary to determine the art relevant to Applicants' overall invention, is significantly outweighed by the public interest in not having to obtain and study several separate patents in order to have available all of the issued patent claims covering Applicants' invention. The alternative is to proceed with the filing of multiple applications, each consisting of generally the same disclosure, and each being subjected to essentially the same search, perhaps by different Examiners on different

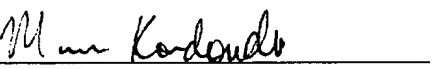
occasions. This places an unnecessary burden on both the Patent and Trademark Office and on Applicants. In the interest of economy, for the Office, for the public-at-large and for Applicants, reconsideration and withdrawal of the restriction requirement are requested.

Nevertheless, in order to comply with the requirements of 37 CFR 1.143, Applicants provisionally elect, with traverse, to prosecute the invention of Group I, namely Claims 1, 4-25, 27-29, 41-63, 74-90, and 98-103.

Favorable consideration and an early passage to issue are requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,



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